



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



November 5, 2001

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
No. WMD 01-40**

Marc Peterson, Health & Safety Officer  
J.P. Noonan Transportation, Inc.  
240 Londonderry Turnpike  
Hooksett, NH 03106

**RE: J.P. Noonan Transportation, Hooksett, NH  
EPA ID No. NHD 982747875**

Dear Mr. Peterson:

On July 11, 2001, the Department of Environmental Services (DES) conducted a multi-media partial inspection of J.P. Noonan Transportation, Incorporated, (J.P. Noonan) located in Hooksett, New Hampshire. The purpose of the inspection was to determine J.P. Noonan's general compliance with environmental standards across several media: air, water and hazardous waste. The hazardous waste portion of the inspection focused on the physical storage and handling of hazardous waste and served to determine J.P. Noonan's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

We appreciate your efforts to comply with the requirements for hazardous waste generators. Please keep in mind that no formal evaluation of the pertinent administrative plans and documents, which may include general inspection requirements for your hazardous waste storage areas, personnel training program, contingency plan, manifest requirements or other record keeping requirements, took place during the inspection. J.P. Noonan will need to ensure their compliance with all other applicable Hazardous Waste Rules.

As a result of the inspection, the following deficiencies were documented in your hazardous waste management program which need to be corrected:

**1 Env-Wm 502.01 – hazardous waste determination**

At the time of the inspection, J.P. Noonan had not completed adequate hazardous waste determinations on an unknown waste stored in the paint shop building believed to be a mixture of asphalt and kerosene.

Env-Wm 502.01 requires that all generators of a waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that J.P. Noonan perform a hazardous waste determination on the waste believed to be a mixture of asphalt and kerosene. DES believes the analyses most appropriate for this waste stream to be, at a minimum, Toxicity Characteristic Leaching Procedure (TCLP) for RCRA metals under Env-Wm 403.06, and ignitability, under Env-Wm 403.03. Should the waste prove to be other than kerosene and asphalt, testing for TCLP organics may also be appropriate under Env-Wm 403.06.

J.P. Noonan will need to provide the results of the hazardous waste determinations, along with any other supporting data, such as chemical analyses, to DES. For your convenience, enclosed is a partial list of laboratories that perform hazardous waste analysis. Should any of the described wastes prove to be a hazardous waste, they should be segregated and collected for delivery to a facility authorized to handle the hazardous waste. Alternatively, if any wastes are determined to be non-hazardous, J.P. Noonan may continue to manage them as a solid waste. If J.P. Noonan chooses, they may consider any or all of their wastes to be hazardous, and forego the expense of testing as long as the appropriate hazardous waste number is assigned to the waste.

2. Env-Wm 504.02(e) – subsequent notification

At the time of the inspection, it was observed that J.P. Noonan generates waste paint materials from their spray booth operation on-site. One partial container of solvent paint waste was identified (see container inventory). Generation of this waste stream was not identified on J.P. Noonan's New Hampshire notification form.

Env-Wm 504.02(e) requires generators to notify DES of changes to their initial New Hampshire notification form, including changes in their waste streams, the quantity generated per month, and the EPA or state waste number.

DES requests that J.P. Noonan notify DES of any changes to their current notification. DES requests that J.P. Noonan submit a completed notification form (enclosed), as specified in Env-Wm 504.02 (e).

3. Env-Wm 507.01(a)(3) - storage requirements

At the time of the inspection, one (1) container of hazardous waste located in the paint booth building was not closed (see container inventory).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the container.

DES requests that J.P. Noonan ensure that containers storing hazardous wastes be closed at all times, except to add or remove waste from the container.

4. Env-Wm 507.03(a)(1)a. - container marking

At the time of the inspection, one (1) container used to store hazardous waste at the facility was not properly labeled with the date of accumulation (see container inventory).

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date.

DES requests that J.P. Noonan mark all containers used to store hazardous waste with the beginning accumulation date at the time they are first used to store hazardous waste.

5. Env-Wm 507.03(a)(1)b., c., d. - container marking

At the time of the inspection, one (1) container of paint waste was not marked with the words "Hazardous Waste", words that identify the contents of the container, and the EPA or state waste number.

Env-Wm 507.03(a)(1) b., c., d. require that all containers used for the storage of hazardous waste be marked with the words "Hazardous Waste", words that identify the contents of the container and the EPA or state waste number.

DES requests that J.P. Noonan mark all containers used to store hazardous waste with the words "Hazardous Waste", words that identify the contents of the container and the EPA or state waste number.

6. Env-Wm 807.06(b)(4) – standards for generators of used oil being recycled

At the time of the inspection, J.P. Noonan was storing used oil destined for recycling in a container which was not labeled with the words "Used Oil for Recycle" (see container inventory).

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label used oil containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that J.P. Noonan label all used oil containers destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

7. Env-Wm 807.06(b)(5) – standards for generators of used oil being recycled

At the time of the inspection, J.P. Noonan was storing used oil destined for recycling in containers which were not closed (see container inventory).

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove waste.

DES requests that all used oil containers and tanks be kept closed at all times except to add or remove waste. Safety funnels which thread into the bung and have closeable lids that seal are acceptable for this purpose.

8. Env-Wm 807.06(b)(7) – Initial used oil determination

At the time of the inspection, J.P. Noonan stated that they mix diesel fuel with their used oil and use the blended fuel in their used oil burner.

Env-Wm 807.06(b)(7) requires generators to conduct an initial determination of their used oil by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCBs if no source of PCBs is present).

DES requests that J.P. Noonan conduct an initial used oil determination on the used oil mixed with diesel for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. Enclosed with this correspondence is a list of analytical laboratories that perform the required testing.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by J.P. Noonan can be submitted within thirty (30) days of receipt of this letter. Supporting documentation describing the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against J.P. Noonan, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of your facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed please find the Multi-Media Partial Inspection Checklist to assist you in assessing the noted violations. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

For your information, a current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at

*<http://www.des.state.nh.us/hwcs/>*

or by contacting the Public Information and Permitting Section at (603)271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Tim Prospert or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions on water related issues, may be directed to Sharon Ducharme of the DES's Water Division at 271-3908, and for air related issues, please contact Pam Monroe of the DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

**COPY**  


Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

CERTIFIED MAIL RRR# 7000 1670 0003 4859 2990

RCRA/DB/LOD/ARCHIVE

cc: Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, Esq., DES Enforcement Coordinator

e-mail: Stephanie D'Agostino, DES Pollution Prevention Coordinator  
Sharon Ducharme, DES/WD  
Pam Monroe, DES/ARD

Enclosures: Multi-Media Partial Inspection Checklist  
List of Analytical Laboratories Fact Sheet  
List of Analytical Laboratories that Perform Used Oil Analyses  
Summary of Used Oil Regulations Fact Sheet  
Summary of Small Quantity Generator Hazardous Waste Regulations  
Notification Form